

2020-R-13

**DECLARATION OF PUBLIC NUISANCE RELATED TO THE WRONGFUL
MANUFACTURING, DISTRIBUTION AND DISPENSING OF PRESCRIPTION PAIN
PILLS TO HUNTINGTON RESIDENTS**

WHEREAS, the Council of the City of Huntington is the governing body of the City; and

WHEREAS, the Council of the City of Huntington has the authority to take action to protect the public health, safety, and welfare of the citizens of the City of Huntington; and

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in the City of Huntington; and

WHEREAS, the violation of any laws of West Virginia or of the United States of America controlling the manufacturing and distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the citizens of the City of Huntington and constitutes a public nuisance; and

WHEREAS, pursuant to W.V. Code § 8-10-1, the Mayor of Huntington is tasked with the power and duty to “see that the peace and good order of the municipality are preserved, and that persons and property therein are protected” and

WHEREAS, pursuant to W.V. Code § 8-10-1a, the Mayor also has the authority to employ “an attorney or firm of attorneys . . . to represent the municipality in connection with any legal matter or matters;” and

WHEREAS, the Mayor has found that the diversion of legally produced controlled substances into the illicit market has caused an “epidemic of addiction is now so pervasive that our standard of living, our way of life and our children’s future is at stake;” and

WHEREAS, there exists a severe public nuisance, causing opioid abuse, addiction, morbidity, and mortality in the City of Huntington; and

WHEREAS, on January 14, 2017, the Mayor of the City of Huntington, having recognized and declared this a public nuisance, retained The Webb Law Centre, PLLC, as counsel, to hold accountable those entities who caused this public nuisance and to abate the same by seeking all civil remedies which may be afforded under West Virginia law, and

WHEREAS, the City Council has been aware of and supportive of all efforts to abate the nuisance of the public health and safety crisis caused by the opioid epidemic, including the currently pending litigation; and

WHEREAS, the Council of the City of Huntington has the authority to provide for the eliminations of hazards to public health and safety; abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizen of the City of Huntington; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, that the City of Huntington Council does hereby formally ratify and confirm the Mayor's prior findings that the wrongful manufacturing, distribution, and dispensing of prescription opioid pills, including hydrocodone and oxycodone, has created a public nuisance to the people of the City of Huntington.

SPONSORED BY: COUNCILWOMAN JENNIFER WHEELER

APPROVED AS TO FORM BY: SD

ACTION TAKEN BY COUNCIL: 4/13/2020 - ADOPTED 10 yeas, 0 nay, 1 absent-Howe

DATE: April 13, 2020

Barbara Miller

BARBARA MILLER, CITY CLERK

DATE: April 13, 2020

Steve Williams

STEVE WILLIAMS, MAYOR

☒ APPROVE

☐ VETO

DATE:

4/13/2020